

February 11, 2013

The Honorable Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423



233786

Re: STB Docket AB 1076X, Caddo Valley Railroad Company-
Abandonment Exemption-In Clark, Pike and Montgomery
Counties, Arkansas-Request for Extension of Time-NITU-
West Central Arkansas Planning and Development District

233787

STB Docket AB 1076 (Sub-No. 1X), Caddo Valley Railroad
Company-Abandonment Exemption-In Pike and Clark Counties,
Arkansas-Request for Extension of Time-NITU-West Central
Arkansas Planning and Development District ..

ENTERED
Office of Proceedings

Protest

FEB 12 2013

Part of
Public Record

Dear Ms. Brown:

I wish to submit that the West Central Arkansas Planning and Development District ("WCAPDD") has misrepresented itself. In the "Request for Extension of Time and request for Issuance of a Notice of Interim Trail Use ("NITU"), the "WCAPDD" requested and received a "Waiver of Fees" stating it is an entity of the State of Arkansas. I believe this to be a fictitious claim. I also wish to ask you disallow the "Request for Extension of Time and Issuance of a Notice of Interim Trail Use (NITU). I will address both issues below:

Issue 1

- (1) There is no such agency listed under the "State Agencies" on the State of Arkansas website. Using the search feature on the State of Arkansas website for West Central Planning and Development District, I get the following returns: "No matching people/agencies. No matching services."
- (2) There is a Non-Profit Corporation listed in Good Standing on the Arkansas Secretary of State's website with the name of West Central Arkansas Planning and Development District, Incorporated, hereafter referred to as "Said Corporation".
- (3). "Said Corporation" has the fictitious name of "Arkansas Small Business Lending".

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(4) The registered agent of the "Said Corporation" is Dwayne Pratt and Dwayne Pratt is listed as Principal.

(5) There is also a Non-Profit Corporation listed in Good Standing with the Arkansas Secretary of State with a similar name of "West Central Arkansas Economic Development Services, Inc." with Dwayne Pratt as registered agent and one of the Principals

(6) The corporation of "West Central Arkansas Planning and Development District Incorporated owns real property-listed as a commercial office building and lot located at 1000 Central Ave, Hot Springs as shown on the Garland County Assessor's page using the "Act Data Scout" technology They do not operate out of any Arkansas State owned operated or furnished facility.

(7) On the website of West Central Arkansas Planning and Development District Incorporated, there is no claim of affiliation with any state, county or federal agencies

(8) On the request filed by the "Said Corporation", the word "Incorporated" was omitted in the body of the letter but was listed on the letterhead.

(9) As a lay person, it seems to me that West Central Arkansas Planning and Development District Incorporated is a company that provides a service much as a local Non-Profit hospital does.

(10) A mayor of one of the counties involved was interviewed by a local paper in which he stated that the counties involves were interested in purchasing the former railroad's right-of-way and the title to be held by West Central Arkansas Planning and Development. He did not mention that WCAPDD is a corporation and that he serves as a director of the said corporation. He also stated, "there is a 30 day window of opportunity to purchase the easement before the land reverts back to the property owners along the route." He went on to say, "If it goes back to the property owners, we're done." and continued to say, "We wouldn't be able to do anything with it " He basically said they wanted to take this land from the rightful owners thru legal manipulation. I once read a brief that stated something like this, " the thief that comes cloaked in the robes of authority in full daylight is no less a thief than one that comes with a mask in the dark, and many time more to be feared as it leaves the citizen helpless to fight."

(11) It seems the West Central Planning and Development District etal are working on the premises that Caddo Valley Railroad Company owns the right of way which is not true, but only hold it in fee only. They have no rights to sell.

Issue 2

- (1) The time for filing an "Interim Trail Use Request" is well past. The last decision concerning the CVRR as posted on the STB website was 2/23/2012. The OFA that the West Central Arkansas Planning and Development District referenced expired over 12 months ago.
- (2) Salvage operations have been on going since October 2012, most steel and ties have been removed from the rail bed.
- (3) CVRR did not own the land (with a few exceptions) under the tracks but had easements that were taken by land condemnation and the property owners have "reversionary" rights to the land when it ceases to be used as for "Railway Purposes".
- (4) There has been no rail track over the line since June of 2009 as documented in the filings for Abandonment 1 and other landowners along the line wish to exercise these "Reversionary" rights.
- (5) The landowners along the route have worked with the salvage company to facilitate the removal of the track.
- (6) The landowners along the line have also paid the property taxes on the "Right of Way" through the years. In my case, my father purchased the land in 1947 therefore my father and I have paid the taxes for well over 60 years, some landowners longer and some less but the Railroad has never paid the taxes on the Right of Way, in fact the listing on the Montgomery County Act Data Scout list the line and states "This parcel contains neither land or buildings". Clark County lists 2 small parcels of .5 acres and 1.0 acres only. Pike County does not have the Act Data Scout Technology but I believe it is basically all easement with only a few exceptions in the town of Glenwood.
- (7) Denying the landowners the return of their land would place a hardship on many. In my case and several of my neighbors, we are cattle farmers. We have been in severe to exceptional drought the last two years. The Right of Way consists of 6 acres that splits my farm into two parcels divided by the Right of Way. Improved pasture in Arkansas would support approximately 4 cows (1.5 acres per cow). This would certainly help me, as I have been forced to sell breeding cows because of the pasture conditions. Four additional calves per year would mean about \$3000 per year of income with current prices. Some landowners have more land than I have and some have less; some will have different kinds of impacts than I do.
- (8) The Right of Way passes thru a Feed and Fertilize Mill, the former Bean Lumber Company Inc. which in the hands of the creditors whose fate is not yet known, an active lumber treating plant, and a granule plant. It would be a great safety hazard for the public to be allowed access thru these mills plus the access for theft and vandalism.

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(9) As mentioned in item (7) above; trails would allow for access thru a "back door" access to my farm animals and farm equipment for trespassers and vandalism. We are in a rural area and the need for trails in basically non existence. The need for more farm

land is critical as cattle herds are at the lowest levels since the 1950s.

(10) I am enclosing copies of many of the papers that I have used for reference. I have compiled this protest from public information and lots of hours of research. Please take into consideration that I am not a lawyer, but a farmer and small business owner and only wish to exercise my reversionary rights.. Should there ever be a need for a railroad again, it can always be taken as it was the first time. I believe the railroad days are past on this line and agree with the STB's decision to allow the abandonment. Although many of my friends and fellow landowners agree with me on this; I speak only for myself in this writing. Thank you for your time.

I hereby certify that a copy of this letter has been served upon CVRR by first class metered mail this 11th of February, 2013

Respectfully submitted.



Betty Bennington
Daytime phone
870-356-5349

Enclosures

Cc:

Mr. Tim Bean, President

Caddo Valley Railroad Company

James Smith, Esq.

William C. Sippel, Esq.

Richard H. Streeter, Esq.

West Central Arkansas Planning and Development District Incorporated

ARKANSAS
SECRETARY OF STATE*Mark Martin*

Search Incorporations, Cooperatives, Banks and Insurance Companies

[Printer Friendly Version](#)

LLC Member information is now confidential per Act 865 of 2007

Use your browser's back button to return to the Search Results

[Begin New Search](#)For service of process contact the [Secretary of State's office](#).

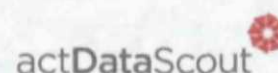
Corporation Name	WEST CENTRAL ARKANSAS PLANNING AND DEVELOPMENT DISTRICT, INCORPORATED
Fictitious Names	ARKANSAS SMALL BUSINESS LENDING SERVICES
Filing #	100054617
Filing Type	Nonprofit Corporation
Filed under Act	Dom Nonprofit Corp; 176 of 1963
Status	Good Standing
Principal Address	Same as Registered Agent
Reg. Agent	DWAYNE PRATT
Agent Address	1000 CENTRAL AVENUE HOT SPRINGS, AR 71901
Date Filed	02/28/1967
Officers	DWAYNE PRATT , Principal JIMMY HART , Director RON DANIELL , Director BILL WESTON , Director
Foreign Name	N/A
Foreign Address	
State of Origin	N/A

[Purchase a Certificate of Good Standing for this Entity](#)[Pay Franchise Tax for this corporation](#)[Change this Corporation's Address](#)

Garland County Assessor's Office Real Property Records

brought to you by Tommy Thompson, assessor

Last Updated: 2/1/2013

**Property ID:** 55132**Parcel:** 00126150105025000**Location:** 1000 CENTRAL AVE
Owner: WEST CENTRAL ARKANSAS ECONOMIC
 DEVELOPMENT SERVICES INC
 PO BOX 6409
 HOT SPRINGS, AR 71902-6409
Property Type: (C1) Comm.I Impr.**Tax District:** (061) HOT SPRINGS INSIDE**Tax District Millage Rate:** 41.30**2012 Market Value:** Land: \$101,200 Bldg: \$300,150 Total: \$401,350**Assessed Value:** Land: \$20,240 Bldg: \$60,030 Total: \$80,270**Homestead Status:** (N)No Adj | Credit: No | Amount: \$0.00**Estimated A.V. Tax****S-T-R:** 05-03S-19W**Subdivison:** HSR BLK 105 Block: 105 Lot: 011**Acres:**

Garland County will be completing a comprehensive, countywide reappraisal cycle this summer. The new appraised and assessed values based on this current reappraisal shown on this website are subject to change until after the Garland County Board of Equalization certifies all property valuations. Boards of Equalization in Arkansas typically terminate their annual sessions around the end of September.

Legal:

BLK 105 LOT PT 11

Transfers

Deed Date	Book	Page	Deed Type	Deed Stamps	Est. Sale Price	Grantee
3/11/2010	3142	894	Warr. Deed			WEST CENTRAL ARKANSAS ECONOMIC DEVELOPMENT SERVICES INC
4/13/2009	3050	761	Warr. Deed	858.00	260,000	WEST CENTRAL ARKANSAS PLANNING & DEVELOPMENT DISTRICT INC
7/16/2003	2293	782	Warr. Deed	594.00	180,000	MILLER, ANTHONY P
3/2/2000	1937	095	Warr. Deed	306.90	93,000	ROBERTSON, PATRICK N & ANNE MARIE
8/19/1996	1684	737	Warr. Deed	247.50	75,000	PEROZZI, GRAZIANO 170 PETALUMA BLVD NORTH
10/14/1992	1462	399	FidDeed	118.80	53,999	CAMPBELL, CAROLINE 113 TRIVISTA RIGHT
1/1/1901	0000	0000				SAMMONS, FLOYD W. & GLADYS A. 318 QUAPAW

Land

Size	Units	Use/Dimensions
7100.000	Sq.Ft	50X142

Buildings

Card	Occupancy	Story	Finish	Liv Area	Grade	Built	Age	Condition	Beds	Baths	Half
View Card 1	Commercial	1				1940	21	Average			

Card	Building	Code	Description	Size/Dim.	Size/Dim.	Grade
1		FENCEM	Fence, Metal		8	6
1		FENCEM	Fence, Metal		70	
1		LIGHT	Lighting			
1		LIGHT	Lighting			
1		PAVING	Paving		460	

for a deer...



lowman Joe May photo

osty the Snowman, who resides
ile Lumber Company in Amity is
led for a deer. Fortunately for
er reindeer, the snow didn't come
made his rounds.

school district ily 42 meeting elines

W- as School Nurse and
Margaret Mueller as a new
bus driver.

Following the meeting,
Harper was asked by *The
Standard* what the district's
response has been to the
recent Newtown, TC school
shooting in during the week
following.

"Our schools have been on

Snow blankets area

By JOE MAY
EDITOR

It didn't start out to be a white Christmas, but by the end of the day Tuesday, a thick white blanket coated most of Arkansas.

According to Clark County Emergency Manager Mikki Hastings, what began as thunderstorms Tuesday morning changed into sleet around 3-4 pm and by nightfall, several inches of snow was on the ground.

"We have reports of three to seven and a half-inches

of snow around the county, with Amity getting the most," she said, adding that there have been reports of more accumulation in some areas.

Snow-laden limbs fell throughout the evening, knocking out power in many locations, Hastings said. South Central Arkansas Electric Cooperative crews worked through the night and on into Wednesday to repair the damages. At least one outage was reported in Arkadelphia for about

an hour Tuesday.

Roads became slick with the wintry mix by late Tuesday, resulting in several accidents throughout the county, none of which were major.

"We had about twenty or more accidents in an hour starting around 7-8pm Tuesday," she said. "Most of them were just people sliding off into the ditch and needing to be pulled out."

In a rare occurrence, Hastings said she recieved

See "Snow," p. 2

Counties look to secure a hold on former railroad right of way

By JOE MAY
EDITOR

Though all but three miles of the former Caddo Valley Railroad have been pulled up, the land under the former line may yet be beneficial to the area.

In their regular meeting last Monday evening, the Clark County Quorum Court agreed to budget \$10,000 towards the purchase of a portion of the 49 miles that is the process of being abandoned as the former railroad is being pulled up to satisfy debts left by the collapse of Curt Bean Lumber Company in Amity and Glenwood.

Clark County Judge Ron Daniell told the newspaper

that his county as well as Pike and Montgomery Counties and the City of Glenwood are interested in purchasing the former railroad's right-of-way. The judge said each entity will pledge a certain amount towards securing the easement, with the title to the property being held by West Central Arkansas Planning & Development.

Daniell said that there is a 30-day window of opportunity to purchase the easement before the land reverts back to property owners along the route.

"If it goes back to the property owners, we're done," he said. "We wouldn't be able to do anything

with it."

Originally, the intermodal authority had expressed interest in the easements, but the judge said they had dropped their interest after being advised of possible environmental issues along the former rail line. However, Daniell said that he has been told there are no such concerns about the line.

"They told me they do something with those old rail lines all the time," he said.

Each entity along the route has different plans for their section of the former rail line, Daniell noted. In Clark County, Gurdon

See "Rail," p. 7

Storm knocks out power, downs trees

By JOE MAY

from the storm, with sever-

Departments was knocked

RAIL

Continued From Page 1

Mayor Clayton Franklin as well as Justice of the Peace Sherry Kelley have discussed making more convenient access to the famed Gurdon Light area along the track for those interested in seeing the alleged ghost light. In addition, the judge said Franklin has expressed an interest in securing funds to put additional rails down that would allow the storage of rail cars along the line for industries in the area.

In Pike County, Daniell said the city of Glenwood is interested in a "Rails to Trails" program that could convert a section of the line into a walking or riding trail. In Montgomery County, a section of the line that

was abandoned years ago is being used as a walking/biking trail and there is some interest in extending that trail, he noted.

Constructed not long after the turn of the century by William Grayson, who later founded the city of Graysonia in Clark County, the line was originally known as the Gurdon-Fort Smith Railroad as plans were to lay track all the way to Sebastian County. That plan never did materialize and the tracks went as far as Delight on one end and Norman, then known as Womble, on the other end.

Arkansas Midland Railroad is continuing to maintain three miles of track through Smithton and Gurdon which serves the Georgia-Pacific mill in Gurdon.

Railroad history being sought

Searching for old photographs and further historical data on the Gurdon & Fort Smith Railroad, the Southwestern Arkansas and Indian Territory Railroad, Arkansas Southwestern Railroad, the Womble (Norman) Branch, the Pike City Branch, and the Delight Branch. All of these became a part of the Missouri-Pacific Railroad in 1909. They were last known as the Caddo Valley Railroad.

Towns along this line include Gurdon, Burtzell, Antoine, Okolona, Delight, Pike City, Graysonia, Shawmutt, Amity, Rosboro, Glenwood, Caddo Gap and Womble (Norman).

We are looking for photographs and genealogical data on anyone that at one time was employed on this railroad: engineers, firemen, conductors, brakemen, bridge builders, carpenters, section workers, depot agents, etc. We are compiling the data for a history of the rail line.

Please contact J. Randall Houpp in Booneville at ghost-bridgehunter@yahoo.com.

release date: December 29-January 4



The Mini Page

Betty Dehman, Founding Editor and Editor at Large

Don't Be Bored!

Winter Break Fun

Are you out of school for the winter holidays? Most kids look forward to the days off, but sometimes find they're bored without schoolwork and other activities to fill their time.

Last week, we looked at some great reading. This week, The Mini Page puts the freeze on winter vacation boredom with ideas to make your days off sizzle!

Get outside

Depending on where you live, the weather may be warm and pleasant or cold and treacherous. Either way, you can spend at least part of your time outdoors. Just make sure that you're dressed for the weather and take regular breaks from the cold air.

• Whether it's snowy or sunny, a walk outside will reveal all sorts of nature items that can be used to make a **winter mural**.

Gather pinecones, evergreen needles, flower buds or blooms, nuts, berries and grasses. At home, arrange them on a large poster or heavy paper. Use glue to secure your nature items, then decorate your mural with markers, crayons, glitter and other art supplies. Give your artwork a name and display it for your family.



If you're l have no sledding have fun. Build an snow an or brothe You can while hel else. Che of your n help with walking!

• Find an older relative to join you as you **explore your city**. Many city chambers of commerce can provide walking or driving tours that feature historical sites. Even small towns may have a museum where you can find out more about your home's history.

• If science is your thing, set up a **weather station*** outside your home. Use a thermometer, barometer, rain gauge, and a wind sock or weathervane to collect information, then keep your records in a journal.

*You can buy the devices or make them; visit oceanservice.noaa.gov/education/for_fun/BulldozerWeatherStation.pdf for help.

• To light up the night, try making **ice candles**.

Start with a small bucket or pail. You'll a shallow cup or tin can. Fill your bucket wit small cup to a stick th the top of your bucket more than one cup if!

Set the bucket outsi over the top so that th water but the rim is a of the water. Let it fre

When it's complet the block of ice from t take the cup out of th candle where the cup adult light it. Enjoy y

Meet Laura Marano



Laura Marano stars as Ally in the Disney Channel series "Austin & Ally."

Laura, 17, was born in Los Angeles. She began acting when she was 5 years old in plays at a local children's theater. She also acted in TV commercials.

She has been in several TV shows, including "Heroes," "Are You Smarter Than a 5th Grader?" and the Nickelodeon Channel series "The X's" and "Ni Hao, Kai-Lan." She voiced characters in the movies "Finding Nemo" and "Ice Age: The Meltdown."

She enjoys soccer, reading, playing the piano, tap dancing, singing and songwriting. She loves to travel.

Goldie Goodsport's Report Supersport: Elena Delle Donne



Height: 6-5 Birthdate: 9-5-89 Hometown: Wilmington, Del.

It wasn't the way Elena Delle Donne dreamed of starting her senior season—battling the effects of Lyme disease. The untimely illness knocked her hard, but she's expected to bounce back and help a University of Delaware team that's depending on her stellar play.

Delle Donne is a slam-dunk All-American and one of the country's top all-around women's college players. Last season she led the nation in scoring (28.1 points per game) and sparked the Blue Hens to a 31-2 record.

Delle Donne, also the 2012 Academic All-American of the Year, can score inside and outside and has a 26.8 career average. Away from the game, she has supported Special Olympics and other team service projects.

Cook

While you're home, help out at mealtime. You can bake and cook, or help with setting the table and keeping the kitchen clean.

Here are some of Rookie Cookie's favorite recipes to share with your family.

Banana Bites

You'll need:

- 1 medium-large banana
- 4 heaping tablespoons reduced-fat whipped topping
- 2 tablespoons peanut butter
- 14 to 16 chocolate chips

What to do:

1. Slice banana into 14 to 16 rounds.
2. Mix together whipped topping and peanut butter until well-blended.
3. Put a small dollop of mixture on top of each banana round.
4. Top each with a chocolate chip.
5. Chill in refrigerator for one hour before serving.

STONE CONSTRUCTION

HOUSE LEVELING/FOUNDATION REPAIR

Repair rotten wood, shaky

Indoor Winter Fun

MONTGOMERY COUNTY ABSTRACT COMPANY

F. O. Box 151
MOUNT IDA, ARKANSAS, 71957

"Land Is Our Business"

HAD FROM CIRCUIT COURT BOOK "D", PAGE 171; (April 4, 1906)

THE GURDON & FT. SMITH RAILROAD COMPANY.....PLAINTIFF

VS. (61)

WM. JONES, MRS. BETTIE JONES, HIS WIFE, AND G. F. STROOPE..DEFENDANTS

Now on this the 4th day of April A.D. 1906, comes on for trial the above entitled cause, and comes the plaintiff, the Gurdon & Ft. Smith Railroad Company, by its attorneys B. S. Johnson and T. M. Mehaffey; and also comes the defendants in person and J. S. Lake their attorney and the above cause is taken up for trial.

It appearing to the Court that the plaintiff, the Gurdon & Ft. Smith Railroad Company, seeks to condemn a right of way over certain lands of the said defendants, described as follows, to-wit:-

S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 28, Twp. 4 S., R. 24 West, Montgomery County, Ark. containing 6~~xx~~ (six) acres, for the purpose of building its main line and side tracks and for the material for the construction of the same thereon, and the defendants herein by Attorney consents to a judgment assessing said damages for said right of way in the sum of Two Hundred and sixty Dollars (\$260.00) and the court now being fully advised does render judgment for said defendants in the sum of \$260.00 as aforesaid.

Now therefore, be it considered, ordered and adjudged that the Plaintiff, the Gurdon & Ft. Smith Railroad Company, do have and recover from said defendant, a right of way over said lands 100 feet in width as set out in said petition and herein and that the said easement or right of way be and hereby is invested in the plaintiff, the Gurdon & Ft. Smith Railroad Company, its successors and assigns, for its use as long as held operated and maintained for railway purposes.

MONTGOMERY COUNTY ABSTRACT COMPANY

P. O. Box 161

MOUNT IDA, ARKANSAS, 71957

"Land Is Our Business"

CIRCUIT COURT BOOK "D", PAGE 171-72 (Continued)

purposes.

It is further ordered and adjudged that the plaintiff, the Gurdon & Fort Smith Railroad Company, do pay into the register of this Court, within thirty days from this date, the sum of 260.00 Dollars, together with all costs had and expended in this cause.

It is further ordered that in the event the aforesaid sum be not paid as aforesaid within thirty days from the date hereof, then the defendant hereunder may have execution issued for the recovery of said sum, together with all their costs in this cause.